



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles M. Milliren et al.
Serial No.: 10/672,247
Filed: September 26, 2003
Title: PROTECTIVE FOAM WITH SKIN
Docket No.: 34563US1

DECLARATION OF STEVEN J. SOLOMON

MAIL STOP MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Steven J. Solomon, hereby declare that:


1. I am a patent attorney with the firm Pearne & Gordon LLP in Cleveland, Ohio.
2. On October 13, 2003, I sent to Mr. Jason R. Brand, via certified mail, return receipt requested, a package containing a complete copy of the above-captioned patent application, including specification, claims, drawings and abstract, a Declaration and Power of Attorney form, an Assignment form, and a cover letter.
3. The above package was sent to Mr. Brand at his residence address of:

2157 Stumpville Road
Jefferson, Ohio 44047
4. On October 17, 2003 I received back the certified mail return receipt bearing the signature of "Jennifer Brand" evidencing delivery and receipt of the above package at Mr. Brand's address on October 16, 2003. A copy of the certified mail return receipt is attached hereto as Attachment 1.
5. The cover letter enclosed in the above package, copy attached as Attachment 2, requested Mr. Brand to review the enclosed application and execute and return the Declaration and Power of Attorney and Assignment forms by November 13, 2003.
6. The letter further stated that failure to execute and return the Declaration and Power

of Attorney form by November 13, 2003 would be deemed to constitute Mr. Brand's refusal to join in the patent application.

7. As of today's date, Mr. Brand has failed to return the executed Declaration and Power of Attorney form.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.



Steven J. Solomon
Patent Attorney

January 6, 2004
Date

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

PEARNE & GORDON LLP
1801 E. 9TH ST, STE 1200
CLEVELAND OH 44114-3108

ATTN STEVEN SOLOMONI

RECEIVED

OCT 17 2003

KB TEA 34563451

PEARNE & GORDON LLP



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JASON R BRAND
2157 STUMPSVILLE RD
JEFFERSON OH 44047

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature:

Jennifer Brand

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Jennifer Brand

C. Date of Delivery

10-16-03

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

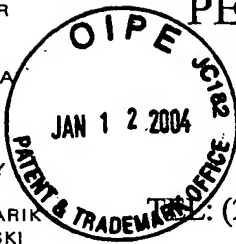
4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1540

CHARLES B. GORDON
THOMAS P. SCHILLER
DAVID B. DEIOMA
JOSEPH J. CORSO
HOWARD G. SHIMOLA
JEFFREY J. SOPKO
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AARON A. FISHMAN
ROBERT F. BODI
SUZANNE B. GAGNON
B. ALAN BARGMEYER
UNA L. SCHUMACHER



PEARNE & GORDON LLP

ATTORNEYS AT LAW

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PATENT, TRADEMARK,
COPYRIGHT AND
RELATED INTELLECTUAL
PROPERTY LAW

OF COUNSEL
LOWELL L. HEINKE

PATENT AGENTS
STEVEN J. SOLOMON

October 13, 2003

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

7003 1010 0004 1291 8054

Mr. Jason R. Brand
2157 Stumpville Road
Jefferson, Ohio 44047

Re: Declaration and Assignment
U.S. Patent Application Serial No. 10/672,247
for PROTECTIVE FOAM WITH SKIN
Our Docket: 34563US1

Dear Jason:

I was sorry to hear that you had left Team Wendy, and I hope that everything is going well for you.

I am writing to you as a named inventor for the patent application captioned above, to ask you to join in the application.

Enclosed herewith is a complete copy of the above-captioned patent application as filed, including specification, claims, drawings and abstract. Also enclosed are a Declaration and Power of Attorney form and an Assignment form.

Please review the enclosed complete application, and then execute (sign and date) the enclosed Declaration and Power of Attorney form where indicated by your name. Leave the spaces for the other inventors blank. Also, please execute the enclosed Assignment form by your name, noting that your signature on the Assignment must be notarized.

Please then return the fully executed Declaration and Power of Attorney and Assignment forms to me at the above address as soon as possible, but not later than November 13, 2003. If you prefer, you may fax the fully executed documents by that date, and then return the signed originals via regular mail in due course.

Mr. Jason R. Brand
October 13, 2003
Page 2

Your failure to execute and return the enclosed Declaration and Power of Attorney form by November 13, 2003 will be deemed to constitute your refusal to join in the patent application.

Very truly yours,

A handwritten signature in black ink, appearing to read "SJS", written over a horizontal line.

Steven J. Solomon

SJS:kb
Enclosures



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

[X] Filed on September 26, 2003 as U.S. Application Serial No. 10/672,247

Attorney Docket No.: 34563US1

First Named Inventor: CHARLES M. MILLIREN

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROTECTIVE FOAM WITH SKIN

the specification of which

[X] was filed on September 26, 2003 as U.S. Application Serial No. 10/672,247.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Provisional
Application Number(s)
60/415,845

Filing Date
(MM/DD/YYYY)
October 3, 2002

As a named inventor, I hereby appoint all practitioners at Customer No. 000116 as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to Customer Number 000116.

Please direct all correspondence and inquiries to Steven J. Solomon at (216) 579-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1 Inventor Name (sole or joint): Charles M. Milliren

Signature: 

Date: 10/13/03

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 12589 Harold Drive, Chesterland, Ohio, 44026, United States

2 Inventor Name (sole or joint): Hayden L. Leon, III

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Cleveland Heights, Ohio, United States

Post Office Address: 3306 Clarendon Road, Cleveland Heights, Ohio, 44118, United States

3 Inventor Name (sole or joint): Jason R. Brand

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Jefferson, Ohio, United States

Post Office Address: 2157 Stumpville Road, Jefferson, Ohio, 44047, United States

4 Inventor Name (sole or joint): Randy Bryan Collins

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): North Ridgeville, Ohio, United States

Post Office Address: 34450 Lewis Street, North Ridgeville, Ohio, 44039, United States



5 Inventor Name (sole or joint): R. Craig Vinnelson

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 8696 Ranch Drive, Chesterland, Ohio, 44026, United States



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Signature: _____

Date: _____

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Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 12589 Harold Drive, Chesterland, Ohio, 44026, United States

2 Inventor Name (sole or joint): Hayden L. Leon, III

Signature: _____

Date: 10-24-03

Citizenship: United States

Residence (City, State, Country): Rolling Meadows, Illinois
~~Cleveland Heights, Ohio, United States~~

Post Office Address: ~~3306 Clarendon Road, Cleveland Heights, Ohio, 44118, United States~~
4233 Oaksbury Ln., Rolling Meadows, IL 60008

3 Inventor Name (sole or joint): Jason R. Brand

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Jefferson, Ohio, United States

Post Office Address: 2157 Stumpville Road, Jefferson, Ohio, 44047, United States

4 Inventor Name (sole or joint): Randy Bryan Collins

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): North Ridgeville, Ohio, United States

Post Office Address: 34450 Lewis Street, North Ridgeville, Ohio, 44039, United States

5 -- Inventor Name (sole or joint): R. Craig Virmelson

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 8696 Ranch Drive, Chesterland, Ohio, 44026, United States



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION

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Attorney Docket No.: 34563US1

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Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 12589 Harold Drive, Chesterland, Ohio, 44026, United States

2 Inventor Name (sole or joint): Hayden L. Leon, III

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Cleveland Heights, Ohio, United States

Post Office Address: 3306 Clarendon Road, Cleveland Heights, Ohio, 44118, United States

3 Inventor Name (sole or joint): Jason R. Brand

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Jefferson, Ohio, United States

Post Office Address: 2157 Stumpville Road, Jefferson, Ohio, 44047, United States

4 Inventor Name (sole or joint): Randy Bryan Collins

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): North Ridgeville, Ohio, United States

Post Office Address: 34450 Lewis Street, North Ridgeville, Ohio, 44039, United States

5 Inventor Name (sole or joint): R. Craig Virnelson

Signature: 

Date: Oct 29, 2003

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 8696 Ranch Drive, Chesterland, Ohio, 44026, United States



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Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

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Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Jefferson, Ohio, United States

Post Office Address: 2157 Stumpville Road, Jefferson, Ohio, 44047, United States

4 Inventor Name (sole or joint): Randy Bryan Collins

Signature: Randy Bryan Collins

Date: 10-30-07

Citizenship: United States

Residence (City, State, Country): North Ridgeville, Ohio, United States

Post Office Address: 34450 Lewis Street, North Ridgeville, Ohio, 44039, United States

5 Inventor Name (sole or joint): R. Craig Virmelson

Signature: _____

Date: _____

Citizenship: United States

Residence (City, State, Country): Chesterland, Ohio, United States

Post Office Address: 8696 Ranch Drive, Chesterland, Ohio, 44026, United States